

REMARKS

Support for the claim amendments may be found, for example, on page 1, lines 18-19.

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of Claims 1-3, and 5-11 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent 5,473,775 (Sakai et. al - "Sakai")

Claims 1-3, and 5-11 stand rejected as being unpatentable over Sakai. For the reasons discussed below, Applicant respectfully traverses this rejection by asserting that Sakai fails to disclose, suggest, or teach the basic claimed method of claim 1 or claim 3. Further, Claims 2-3, and 5-11, which depend from claim 1, are also patentable based on their dependency from claim 1 and their individually recited elements.

- a. Invention Distinguished

As amended, Claim 1 of the present invention generally recites a basic input/output system updating method including dividing a memory in an electronic device into a system program area and a boot program area, storing a basic input/output (BIOS) program in the system program area, and storing an initialization sequence into the boot program area, wherein when the system area is destroyed and the BIOS program is lost, a microprocessor, connectable to the boot program area via a switch, enables reading of the initialization sequence in the boot program area.

- b. References Distinguished

Sakai generally discloses a personal computer that uses a flash memory as a BIOS-ROM.

The recited invention of claim 1 as amended includes storing an initialization sequence into the boot program area, wherein when the system area is destroyed and

the BIOS program is lost, a switch is able to be switched to an ON position to connect a microprocessor to the boot program area to enable reading of the initialization sequence in the boot program area. In contrast, Sakai solely describes a system that maintains a normal, after power-on routine of always reading the boot program area of the initialization sequence before later reading the BIOS program for further initialization steps (see FIGs. 2, 4; col. 6, lines 47-65). If errors are encountered, then the BIOS program may be updated using a floppy disk. (See FIGs. 1-2, 4, 8-10; col. 6, lines 66-67; col. 7, lines 1-5; col. 8, lines 45-67).

Particularly, Sakai states that "...after the power is turned on, the system operates according to programs stored in the boot block 172 of the BIOS-ROM 17 as shown in FIG. 8 (step P1)...when the cyclic redundancy check results in success (no error), the present system performs processing in step P2 shown in FIG. 8...in the event of failure of the cyclic redundancy check (the detection of errors),...the system transfers a BIOS file 81 stored in the BIOS-rewriting floppy disk...thereby repairing (refreshing) the BIOS-ROM 17 (step P3)." (See FIGs. 1-2, 4, 8; col. 6, lines 47-67; col. 7, lines 1-5).

Therefore, the Sakai system always performs step P1 of reading the program stored in the boot block 172 regardless of whether errors are detected or not in the BIOS 17. There is a significant difference between performing a particular procedure of operating a switch to allow reading of an initialization sequence in the boot program area when the BIOS program is lost as recited in contrast to normally reading the initialization sequence in the boot program area under any circumstance (error in the BIOS or not) as disclosed in Sakai.

Further, regarding claim 3, Sakai fails to disclose the recited feature of activating an integrated drive electronics (IDE) interface of electronic device, reading a BIOS program stored in the IDE-interface connected to the hard disk drive, and recording the BIOS read from the IDE-interface into the system program area. In contrast, Sakai solely mentions updating the BIOS using a floppy disk drive or a hard disk drive. (See FIG. 1; col. 7, lines 1-5; col. 12, lines 40-47). It is significantly distinct to update the

BIOS program using a hard disk drive or a floppy disk drive as disclosed in Sakai as opposed to using an IDE-interface connected to the hard disk drive as recited.

Accordingly, Sakai fails to disclose, suggest, or teach the recited method of claims 1 or 3. Accordingly, withdrawal of the rejection regarding claims 1-3 and 5-11 is requested.

3. Rejection of Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of U.S. Patent 5,574,943 (Daftari et al. - "Daftari")

Daftari fails to make up for the above-described shortcomings of Sakai. Daftari solely discloses a computer system that updates a BIOS using a download from a network. As implicitly admitted in the Action, Daftari is solely used for this disclosure to anticipate the recited dependent claim 4 feature of downloading a BIOS program stored in a LAN. Therefore, claim 4 is similarly distinguished from Daftari since Daftari omits the recited feature of switching a switch ON to allow reading of an initialization sequence in the boot program area when the BIOS program is lost.

Accordingly, Applicant submits that Sakai and Daftari, whether considered collectively or individually, does not disclose, suggest or teach the basic claimed method of claim 4. Withdrawal of the rejection is respectfully requested.

5. Conclusion

In view of the amended claims and the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1-11 be allowed and the application be passed to issue.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayments to Deposit Account No. 02-0200 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

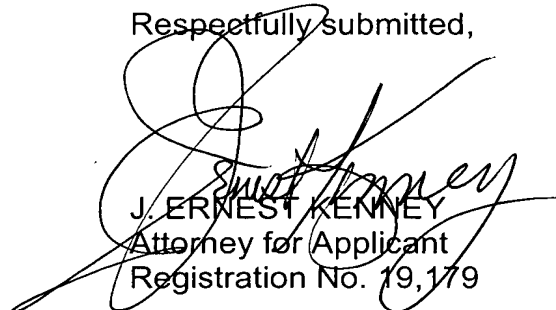
The Examiner is invited to contact the undersigned at (703) 683-0500 to discuss the application.

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, VA 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080

Date: January 12, 2005

01-07-05 amendment.wpd

Respectfully submitted,



J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179